



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Project Number:** 2204598

**Applicant:** Julie Ledoux

**Address of Proposal:** 2202 11<sup>th</sup> Avenue West

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into four (4) unit lots (unit subdivision). This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of two townhouses and two single family residences had been reviewed under project #2200770.

The following approval is required:

Short Subdivision - to divide one existing parcel into four unit lots (unit subdivision)  
(Seattle Municipal Code (SMC) Chapter 23.24)

**SEPA DETERMINATION:**

[X] Exempt [ ] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site and Vicinity Description**

The 7200-sq. ft. proposal site is located on 11th Avenue West, mid block and directly in front of the T-intersection of West Boston Street and 11<sup>th</sup> Avenue West. The site is rectangular in shape and is described as Lots 9 and 10, Block 1, Queen Anne 2nd Addition to the City of Seattle. The subject site is located on the east side of 11th Avenue West on the west side of Queen Anne hill. The street is fully developed with concrete sidewalks, curbs and gutters. The site is currently developed with access from the 16-foot alley located to the rear of the lot. The existing structure will be demolished in conjunction with the proposed construction on the site. The site is located in a Lowrise 1 (L-1) zone. The surrounding zoning to the north, south and to the east is Single Family 5000 (SF-5000). To the west is the L-2 zone. Development in the immediate vicinity is predominantly a mixture of single family and multifamily uses.

### **Proposal Description**

The proposal is to subdivide the existing 7,200 sq. ft. lot into four unit lots (unit subdivision), with the following unit sizes proposed; A) 1,833 sq. ft., B) 1,842.7 sq. ft., C) 1,758.8 sq. ft. and D) 1,767 sq. ft. Vehicular access to the unit lots is available from the 16-foot alley located at the east property line. Each parcel will have an established parking space provided within each individual unit.

### **Public Comments**

No comment letters were received during the comment period, which began on August 1, 2002 and ended on August 14, 2002.

## **ANALYSIS - SHORT SUBDIVISION**

Based on information provided by the applicant, referral comments from DCLU, Water and Fire Departments, Seattle City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

Pursuant to SMC 23.24.40, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*

The proposed unit subdivision would provide adequate buildable area to meet development standards of the Lowrise 1 (L-1) zone. The site will meet the minimum density requirements of the zone and each lot would provide minimum open space required. The site as a whole will meet the development standards for the Lowrise 1 (L-1) zone.

2. *Adequacy of accesses for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicular access is available from a 16-foot alley located adjacent to rear property line east of the site. The Seattle Fire Department has reviewed the proposed lot configuration in regards to fire protection and emergency vehicle access and has no objections.

Seattle City Light has reviewed the proposed short plat and determined that an overhead electric easement is required. Project approval will be conditioned upon recording of the appropriate easement.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

There is an existing single side sewer connection to a 10-inch combined public sewer (PSS) located in 11 Avenue West. In order to provide sewer service to the proposed new construction, a new connection to the PSS will be required. Applicant should contact Street Use Section, 5<sup>th</sup> Floor Seattle Municipal Building for side sewer permit and shared connection agreement. In addition, the public sewer will be the appropriate point for storm water discharge from redevelopment upon the site. According to the drainage reviewer, storm water detention, with controlled release to the public sewer (PS) in 11 Avenue West is likely to be required for development over 2000 sq. ft.

Seattle Public Utilities has approved the additional water line to the site. Naturally, all Water Department Conditions of approval must be met.

4. *Whether the public use and interests are served by permitting the proposed division of land:*

An address sign shall be posted such that addresses for all units are visible from 11 Avenue West. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained. The public use and interest will be served with this proposal because additional opportunities for owner occupied housing would be provided within the City limits as a result of this subdivision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short Subdivisions and Subdivisions, in Environmentally Critical Areas.*

The site contains a Steep Slope Environmentally Critical Area. This Steep Slope was created during a legal grading activity on the parcel to the south. The site has received a Limited ECA exemption, which waived Steep Slope Development Standards. ECA General, Submittal, and Landslide Hazard requirements continue to apply to this site. Pursuant to DR 3-94, the provision of SMC Section 25.09.240D is applicable only to short subdivisions of land(s) in single-family zoned lots. However, the ECA exemption results in not needing to apply 25.09.240.

To assure that future owners have constructive notice that the site contains an identified Steep Slope ECA and has received a Limited ECA exemption, a note shall be placed on the final plat which notes this. Additionally, the topographic survey submitted as a part of this application shall be attached to the final plat and recorded with this unit lot subdivision.

6. *Is designed to maximize the retention of existing trees.*

There are seven existing trees on site. The proposed lot configuration and the issued building permit does not have enough buildable area to not necessitate the removal of all existing trees located within the proposed building area in the lot. However, the related construction plans under project #2200770 provided a proposed landscape plan, which includes specific location and description of new trees and shrubs.

7. *Conformance to the provisions of Section 23.24.045, Townhouses, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.*

The provisions of SMC Section 23.24.045 are as follows:

A. *The provisions of this Section apply exclusively to the unit subdivision of townhouses, cottage housing, clustered housing, or single family residences in Lowrise zones.*

The subject proposal would establish separate lots for two townhouses and two single family residences in a Lowrise 1 zone, thus falling within the provision of SMC Section 23.24.045.

B. *Site developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet the development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual units lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lots, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

Approval of the development pursuant to application #2200770 demonstrates that the development as a whole, on the parent lot, satisfies applicable development standards. Useable private open space for each dwelling unit has been shown on the related building permit and the proposed short plat.

C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

The condition added pursuant to criterion F below should assure that proper control of future platting actions or modifications to structure(s) is appropriately limited.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and similar features, as recorded with the Director of the King County Department of Records and Elections.*

A joint use and maintenance agreement for the easement must be provided with the final recording documents.

- E. *Within the parent lot, required parking for a dwelling unit maybe provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*

Parking will be provided on each lot for each unit.

- F. *The fact that additional development of the individual unit lots may be limited as result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of King County Department of Records and Elections.*

Review of the site plan shows that the proposed short subdivision conforms to applicable standards of SMC 23.24.045, and applicable standards for unit subdivisions. To assure that future owners have constructive notice that additional development may be limited the following statement shall be required as a condition and be included as a note on the final short subdivision. "The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code".

#### **DECISION - SHORT SUBDIVISION**

The application to subdivide one parcel into five unit lots is **CONDITIONALLY APPROVED**.

## **CONDITIONS- SHORT SUBDIVISION**

### *Prior to recording*

The owner(s) and responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.
2. Applicant shall add a note to the face of the plat stating: "The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code".
3. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the face of the plat "For conditions of approval after recording, see page \_\_\_\_ of \_\_\_\_."
4. Add to the face of the plat the language that required granting Seattle City Light its required easement.
5. Provide final recording forms and fees.
6. Provide a joint maintenance and responsibility agreement for ingress, egress, and utility easements and for maintenance and use of shared walls on property lines.
7. A street address sign shall be erected facing 11<sup>th</sup> Avenue West, which shows addresses for all lots on the site. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained.

8. Insert the following on the face of the plat: "This site received a Limited ECA exemption and Steep Slope Development Standards have been waived. ECA General, Submittal, and Landslide Hazard requirements continue to apply to this site."

Signature: \_\_\_\_\_ (signature on file) Date: June 16, 2003

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